

BOARD OF DESIGN REVIEW MINUTES

November 18, 1999

CALL TO ORDER: Chairman David Williams called the meeting to order at 6:42 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman David Williams; Board Members Anissa Crane, Renee Cannon, Hal Beighley, Stewart Strauss. Walter Lemon was excused.

Staff was represented by Associate Planner Colin Cooper, Senior Planner William D. Roth Jr. and Recording Secretary Cheryl Gonzales.

VISITORS:

Chairman Williams asked if there were any visitors present who wanted to address the Board on any non-agenda item. There were none. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to participate in the hearings. There were no continuances.

Chairman Williams stated the decision before the Board was a limited land use decision.

A. BDR99-000132 - HALL BOULEVARD TOWNHOMES.

Request for Design Review approval for nine attached single family townhouses proposed in two – three floor buildings located on the east side of SW Hall Boulevard, south of SW Sussex Street. The proposal for an administrative variance to reduce the rear yard setback of building two from 20 feet to 18 feet was withdrawn by the applicant. The applicant has also included a fee ownership subdivision application that will be reviewed administratively. Therefore, no public hearing regarding the variance or fee ownership subdivision request will be held unless the decision is appealed. The site is within the R-2 zone. The site is located at 6780 SW Hall Boulevard, and is approximately .47 acres in size. Map 1S1-22BC; Tax Lot 300.

Mr. Cooper presented the Staff Report. This was a proposal to build nine attached fee-simple, owner occupied row homes in two separate buildings. The property was zoned R2. The access to the site was from Hall Blvd. The existing conditions of the lots were such that the ground sloped to the north/northeast, fairly light grading will occur.

Staff was recommending approval with conditions. The applicant provided an attractive design for the buildings. They would be retaining the existing mature trees on the site and the project would be compatible with the surrounding properties which were also zoned R2, and have been generally developed with other multi-family housing projects. There was no video of the site available. There was a color board for the project.

Mr. Cooper reported they had not received any phone calls or letters concerning this proposal from the public. Originally the applicant asked for a variance to the rear yard setback of one foot; however, small changes were made to the site plan and the variance was removed. The setbacks then, were observed. In addition to the design review application, the applicant has requested a fee-simple subdivision approval, which would be an administrative decision that would be issued should this design review be approved.

Ms. Cannon, regarding the color board, asked about the material and color for the trim and the rails. This was referred to the applicant, but thought her information was correct.

APPLICANT:

MATT SPRAGUE, with Alpha Engineering, Project Planner, 9600 SW Oak Street, Suite 230, Portland, Oregon, 97223, gave a brief presentation of the project and described how it was laid out. Taken into consideration were the number of mature standing trees of different varieties -- Douglas fir, some cedar. The subdivision was decided to be fee-simple rather than a multifamily project. The design and the layout was intended to preserve the trees and provide some additional outdoor area for the residents. They also wanted to provide them an ownership over the property which they could purchase. The buildings were three stories tall, all two bedroom, with tandem garages on the ground floor. The main living areas were on the second floor; bedrooms were upstairs. All the utilities were available from SW Hall Blvd. Water quality and storm water system were within Tract A, the storm water quality swale. Tract B was for circulation and access. Each of the garages in the units provide two parking spaces. They were tandem garages. There were two additional parking spaces total on the site in the southeast corner.

The landscaping materials that are used those similar to what was already in the neighborhood. There was a very natural feel. All of the neighboring properties had mature landscaping of a northwest type style which was incorporated into this site plan. The properties to the south were apartment units. To the east were duplex units. To the north, there were apartments and one single family existing home at the corner of SW Sussex and Hall Blvd. The landscape architect was present, Magnus Burnhardt for questions. The architect, Bob Jensen was also present.

Mr. Beighley, looking at the blueprints, because nothing was called out, stated he was assuming that everything around 6, 7, 8 and 9, from a vegetation standpoint, other than

existing trees, were to rely on existing understory. The landscape architect answered that this was going to be under the ownership of the prospective buyers who would be responsible for the landscaping. Mr. Beighley asked how come that was different from the first five units.

Mr. Sprague answered the first five units and the water quality swale, behind them, were landscaped by the applicant, partly to maintain the separation between the swale and the units themselves. This was to provide definition of semi-public and private space with the water quality versus the lot itself.

Ms. Crane asked about a door which would access the back of the units. Mr. Sprague answered there was a door on the bottom floor. The hatching defined the decks on the second and third floors; below the decks was where the door was located.

Ms. Cannon asked, regarding the fee-simple request, was the land behind the units on the east going to be owned by the units themselves, individually? Mr. Sprague answered the units to the east had a large area behind where they could do more with their backyard landscaping than the other units with less space. Units 6, 7, 8 and 9 would be doing their own landscaping.

Chairman Williams pointed out the landscaping plan did not show any fences dividing the yards at this point. The site plan also did not show any fences. Mr. Sprague stated there were no fences proposed to divide the yards at this time. They could be constructed by the individual owners if so desired.

Chairman Williams asked if the applicant was going to scrape the ground, put in grass, or what was their intention. Mr. Sprague replied that this would be left to the owners of the eastern units. Chairman Williams asked, until they buy, would it be left as dirt? Mr. Sprague answered that was correct with the exception of the erosion control measures.

Ms. Cannon, concerning single family detached homes, questioned that the units would be purchased either with or without landscaping? She asked if part of this project had landscaping and part of it did not? Mr. Sprague answered she was correct in her question. He said the units one through five were tighter in the backyard area because of the tract and the swale which distinguished them from units six through nine. That was the main reason for the difference in the landscaping. Ms. Cannon asked if the code permitted this area not to be landscaped? Mr. Cooper replied that that was correct. He said there was a much broader discretion here because the attached units required design review, so the Board certainly had the authority to require some type of landscaping to screen or buffer the proposed development as they saw fit. He was aware of this issue. He could have been more concerned about ground cover than he was, and said he should have perhaps conditioned for the northeastern corner in particular, to include some trees for additional screening. The fact that this type of unit was fee-owner occupied eased this concern.

Ms. Cannon stated staff had conditioned this to have a good neighbor fence all the way around it, to stop at the trees. Mr. Cooper confirmed this. So there would be some definition of the yards, except for the individual adjacent separations. Mr. Cooper said that was also correct and that would be up to the individual owners to provide this.

Chairman Williams asked about the existing trees, "DTR", what it stood for, at the east property line. Mr. Beighley answered it would have to be a deciduous tree. Mr. Sprague said some of the species were difficult to define. Chairman Williams asked Mr. Cooper if he remembered what they were. He could not recall.

Mr. Sprague thought they could be maple, that was what was in the surrounding area. Chairman Williams said they would assume they were maple. Maples were fairly hardy trees. White oaks would require more care; i.e. planting grass and their being protected during construction.

Mr. Straus asked the applicant to explain the location of the water quality feature, how it came to be located where it was. Mr. Sprague answered that it started with the entrance to the site. The most feasible entrance was on the upper slope so they knew they could get storm drainage to the lower slope from the upper slope. They could drain around in a circle, starting from the front of Hall Blvd. to the back of the site, down the hill, and outfall, out of the paved area, into the water quality swale, and then bring it back out to the storm system in Hall Blvd. They looked at the alternative of putting it up at the top, but it was more difficult getting in, requiring more grading, widening out, and would decrease the yard area.

Mr. Straus' reason for asking was that it reduced the rear yards for the units along that side. At the northeast corner, there was a unit with a rather large yard where the water quality feature could have potentially been located, and not have been in the way quite as much. Was that option considered, if not, would it make sense at that location? Mr. Sprague answered they evaluated that location as well as the location right out in front of Hall Blvd., where there was another large yard. The best functioning water quality swale or system they had, was to have it located in the place where they ultimately put it. He would have to confer with his engineer regarding the possibility to move the water quality facility. It would end up being a pond and end up limiting the width between the building and the property line there, if it was put next to unit 6.

Mr. Straus commented, as it was being stated now, there were no fences that divide the units from each other and he presumed there was no fence that divided the water quality feature from the backyards. He asked what would be the potential problems and solutions to those problems? Since these were essentially owner occupied, what was preventing the owner from doing something that would interfere with the operation or maintenance of the water quality feature, and who was responsible for the maintenance of the swale? Mr. Sprague answered that through the swale itself and the landscaping, they attempted to

define the semi-public and the private space, to let the owners know exactly where their boundaries were in the back. He also said this was a private facility maintained by the homeowners association.

Mr. Strauss said that looked good on paper, but asked if there was some kind of instructions that were being provided to the owners so they understand what was necessary in this? Would that be a requirement of the CC and Rs? Mr. Cooper corrected Mr. Sprague's statement and said the water quality facility would be publicly owned, because it served more than one tax lot. It would then be maintained by the public. A public truck would need to have access to come by and be able to clear the outfall. He recommended a three foot chain link, vinyl-clad fence along the rear property lines, to prevent people from entrance or defining the private yard area and the tract. Mr. Straus said he would rather see a small sign posted at the rear property line that would define the area as a public water quality feature and it could not be disturbed. Ms. Cannon agreed with the posting and stated this information should be in the owners CC and Rs. Regarding the safety issues mentioned by Mr. Straus, Mr. Sprague answered the swale and the volume of the water was very very small. The depth of the swale was also very flat, barely a ripple in the ground. It was not a serious safety concern by any means.

Ms. Cannon asked about the rails and the trim. Mr. Jensen, the architect answered the question stating, trim and rails, finishing gutters, entry doors and garage doors would be painted. Mr. Williams asked why there were all the same color? Mr. Jensen answered there were only a limited amount of units and to make each unit appear individual, would look contrived. Most people would know the units were all the same, or very nearly the same. Distinguishing them by artificially introducing a different roof style was not something he agreed with. Chairman Williams said that was not the area that concerned him. There was enough detail in the units and style that would carry it. His concern was the front of the units all blending into one bank of units, no delineation of individual dwellings. He suggested slight changes in door trim. Mr. Jensen said that was not a problem. Chairman Williams asked about adding two accent colors for entry doors. Mr. Jensen said he could do four total colors. This was just for the entry doors only.

Ms. Crane asked about the 40 inch fir tree discussed in the Staff Report and how construction would impact it in the proposed revision of the grading plan. What was the preservation status of that tree. Mr. Sprague answered the grading now stopped approximately at the drip line of the tree, or just outside of that. If there was a problem down the road, they could bring the grading out even further.

Ms. Cannon stated they were conditioned to put temporary chain link around it. Mr. Sprague agreed and said they would be applying tree preservation methods during the construction period. Ms. Cannon stated chain link was usually different than the snow fencing. Mr. Sprague stated because that tree was so close to the building, that was one of

the reasons they decided to get away from the variance and move the building two feet forward and preserve the tree as well.

Chairman Williams asked what kind of footings were on that back side, close to that tree? In his examination of the space between the wall and the tree, there was three feet. Mr. Sprague said that looking at his plan, it did not seem to be that close. These were the plans that pulled the building forward, that showed there was a 20 foot setback. Chairman Williams said he was looking at the landscape plan. He scaled center line of the tree to the wall was five feet. Mr. Sprague was finding the same plan, but said it was seven feet now. Ms. Cannon stated they had moved this on the new plans, they did not get the revised plan. Mr. Sprague showed Chairman Williams on the new plan where there was 7 feet from the wall. But the closeness of the tree and the wall was still a concern. Mr. Sprague asked Chairman Williams how far away did he usually like to see a building set back from existing trees. Chairman Williams answered they preferred the drip line or close to it, especially with conifers. He stated they would certainly like to see that tree survive.

Mr. Cooper checked with the applicant about having the right set of plans. Mr. Sprague said the board did not have the revised plan. Mr. Cooper recommended the board include a condition that required the applicant to provide city staff the updated copy because they had seen an updated copy at Facilities Review, which was the one they recommended for approval. The wrong set had been forwarded to the board.

The public portion of the hearing was closed on this item.

Mr. Straus MOVED and Mr. Beighley SECONDED a motion to approve BDR99-00132, Hall Boulevard Townhomes, based on the testimony, reports and exhibits presented during the public hearing on the matter, upon the background facts, findings and conclusions found in the Staff Report dated November 18, 1999, including conditions 1 through 25, and the following additional conditions:

Condition #26. A small metal sign on a metal standard shall be posted at the rear property line of each lot adjacent to the water quality feature, reading, "PUBLIC WATER QUALITY AREA, DO NOT DISTURB".

Condition #27. Entry doors shall alternate between a minimum of three distinct accent colors with no adjacent units having the same color.

Condition #28. Applicant shall provide updated copies of all drawings to the city.

Mr. Cooper suggested a modification to condition #26, the signs should be specific enough to state they be on metal standards and metal sign boards to insure their longevity.

Chairman Williams offered clarification on the door colors, to make them a minimum of 3.

The question was called and the motion CARRIED unanimously.

B. BDR99-00158 - THOMASON DAMEROW PARKING ADDITION

Request for Design Review approval to develop two lots located on SW Tualaway Avenue, north of SW Tualatin Valley Highway, into a storage and staging area for inventory vehicles for the adjacent existing dealership. The proposal includes a parking lot, landscaping, and fencing. The site is within the General Commercial (GC) zone. The site is located at 4220-4250 SW Tualaway Avenue, and is approximately .36 acres in size. Map 1S1-16BA; Tax Lots 1700 and 1800.

Mr. Roth presented the Staff Report for the Thomason Damerow Parking Addition. The request was to develop two lots located on SW Tualaway Avenue, north of Tualatin Valley Highway, into a storage and staging area for inventory vehicles. The proposal included the addition of a parking lot, landscaping and fencing. The site is approximately .36 acres. Mr. Roth stated all issues have been identified and have been worked through successfully with the applicant especially in relationship to the buffering and screening for the immediately adjacent neighbor. Staff recommended approval subject to conditions identified in the report. Mr. Roth noted that the applicant was not providing any lighting but that the applicant may provide lighting in the future. This would require a separate application, most likely a Type 2, administrative design review.

APPLICANT:

MR. LEE LAYTON, with Westlake Consultants, representing the applicant, stated he had brought an exhibit, an early drawing that was not fully representative of the final landscape plan. He pointed out they were over 100 feet back from Farmington Road and were west of Cedar Hills Blvd. He described the owners adjacent building as having a main building which was a car sales lot, with vehicles on display for sale. There was a paint shop which has been reviewed and other shops. There were a number of existing trees which had been inventoried and there were no existing trees proposed for removal as part of the project. This project would take an existing graveled lot where two homes had previously been removed and upgrade it with paving and landscaping. There would be a 20 foot setback along the street. The proposed function for the project was for vehicle storage when they were delivered and when they had been worked on in the shops. Mr. Layton noted that in response to City staff's and neighbor's requests, they had agreed to allocate space for five cars for employees within the vehicle storage lot to address the congestion that can occur on Tualaway Avenue. Also, in addition to the fence by Mrs. Baldino's house, there would be a green vinyl coated fence with slats where the objective would be a visual barrier. Due to the slope of the land, the water quality pond needed to be located at the southwest corner, near the sidewalk in order to accommodate the flows. Mr. Layton stated there would be a four foot fence installed as well as a dense planting around the facility.

Ms. Crane asked if the fence would not be installed until construction was completed? Mr. Layton answered that due to the site work, construction schedule, they would not be able to install the fence until the curbs were set and the landscaping was graded. It was at that time that the fence and landscaping could be installed, otherwise there would be a risk of damaging the fencing and planting. Ms. Cannon asked about the possibility of installing a temporary fence during the construction to protect the neighbor's property and serve as a barrier. Mr. Layton stated there would be quite a bit of construction fencing up around the drip lines of the trees during the project. He added that he did not see that it would be a conflict with construction if a construction fence was placed along that property line and he would suggest it to the applicant. Mr. Layton further stated that the applicant's manager had been in communication with Ms. Baldino and he was sure that communication would continue throughout the construction process.

In response to Mr. Straus' question, Mr. Layton stated the construction process would probably take about a month, but he was not certain.

The public portion of this discussion was closed.

Mr. Roth stated that in talking with Ms. Baldino, her primary concern was the fencing and she wanted the physical screening which would provide a separation from her property line. He did not know how effective the construction fencing would be for this issue, but if there became of a problem with workers trespassing onto her property, that would be a matter to be dealt with via the site development process.

Mr. Straus MOVED and Ms. Cannon SECONDED a motion to approve BDR99-00158, Thomason Damerow Parking Addition, based upon the testimony, reports and exhibits presented during the public hearing on the matter, and upon the background facts, findings and conclusions found in the Staff Report dated November 18, 1999, including conditions 1 through 16.

The question was called and the motion CARRIED unanimously.

APPROVAL OF MINUTES

Mr. Beighley MOVED and Ms. Cannon SECONDED a motion to approve the minutes of August 12, 1999, as written.

The question was called and the motion CARRIED unanimously.

Meeting **ADJOURNED** at 7:45 p.m.